IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 72 OF 2005

Sushant Bhagwant Pathare. ... Appellant.

V/s

Atharva Builders Pvt.Ltd. ... Respondent.

Mr.R.V.Govilkar for the appellant.

Ms.R.M.Purohit for the respondent.

CORAM: A.S. OKA, J.

DATE: 1st March, 2005.

P.C. :

. The learned counsel appearing for the respondent has placed on record the Consent Decree in Suit No.6296 of 1999 filed in this Court. The said suit was filed by the Respondent against the Appellant and others. The Consent Decree discloses that the Appellant agreed to withdraw L.C.Suit No.4210 of 1996 and the present Appeal. The said copy of the Consent Decree is taken on record and marked 'X' for identification.

2. Shri Govilkar, learned counsel appearing for the Appellant states that he has no instruction about the said Consent Decree.

3. The challenge in this Appeal is to the order dated 6th October 1998 by which notices of motion taken out by the Appellant have been dismissed. The said notices of motion were taken out in L.C.Suit No.4210 of 1990 which was disposed of by order dated 30th November 1996. The suit was disposed of in view of the consent terms between the parties.

4. After having perused the impugned order and having heard the learned counsel appearing for the Appellant I find no infirmity with the impugned order.

5. There is no merit in the Appeal and the same is dismissed with no order as to costs.

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